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Report of the International Law Commission on the work of its fifty-second session

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its fifty-second session" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/111 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 14th to 24th and 30th meetings, on 23, 24, 25 and 27 October and 1, 2, 3 and 15 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.14-24 and 30).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fifty-second session.[1]

5. The Chairman of the International Law Commission at its fifty-second session introduced the report of the Commission: chapters I to IV at the 14th meeting, on 23 October; chapters V and VI at the 18th meeting, on 27 October; and chapters VII to IX at the 22nd meeting, on 1 November (see A/C.6/55/SR.14, 18 and 22). At the 24th meeting, on 3 November, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/55/SR.24).

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 10* (A/55/10).

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II. Consideration of draft resolution A/C.6/55/L.6 and Corr.1

6. At the 30th meeting, on 15 November, the representative of Colombia introduced a draft resolution entitled "Report of the International Law Commission on the work of its fifty-second session" (A/C.6/55/L.6 and Corr.1).

7. At the same meeting, the Committee also had before it a statement of the programme budget implications of draft resolution A/C.6/55/L.6 and Corr.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.6/55/L.21).

8. Also at the same meeting, the Committee adopted draft resolution A/C.5/55/L.6 and Corr.1 without a vote (see para. 10).

9. Before the adoption of the draft resolution, the representative of Chile made a statement in explanation of position (see A/C.6/55/SR.30).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its fifty-second session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-second session,[2]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to further enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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[2] Ibid.

[3] Resolution 2625 (XXV), annex.

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. *Takes note* of the report of the International Law Commission on the work of its fifty-second session;[2]

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its fifty-second session, in particular with respect to "State responsibility", and encourages the Commission to complete its work on this topic during its fifty-third session, taking into account the views expressed by Governments during the debates in the Sixth Committee at the fifty-fifth session of the General Assembly, and any written comments that may be submitted by 31 January 2001;

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report;

4. *Reiterates its invitation* to Governments, within the context of paragraph 3 above, to respond, to the extent possible, in writing by 28 February 2001 to the questionnaire and requests for materials on unilateral acts of States circulated by the Secretariat to all Governments on 30 September 1999 and 2 October 2000;

5. *Also reiterates its invitation* to Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its work on the topic "Diplomatic protection";

6. *Recommends* that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission continue its work on the topics in its current programme;

7. *Notes with appreciation* the work done by the International Law Commission at its fifty-second session on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", and requests the Commission to resume consideration of the liability aspects of the topic as soon as the second reading of the draft articles on the prevention of transboundary damage from hazardous activities is completed, bearing in mind the interrelationship between the prevention and the liability aspects of the topic and taking into account developments in international law and comments by Governments;

8. *Takes note* of paragraphs 726 to 733 of the report of the Commission with regard to its long-term programme of work and the syllabuses on new topics annexed to the report;

9. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity;

10. *Takes note* of paragraphs 734 and 735 of the report with regard to the length, nature and place of future sessions of the Commission in which specific recommendations are suggested to continue to increase the efficiency and productivity of its work, to facilitate the attendance by its members and to enhance the relationship between the Commission and the Sixth Committee;

11. *Also takes note* of paragraph 736 of the report and decides that the next session of the International Law Commission shall be held at the United Nations Office at Geneva from 23 April to 1 June and from 2 July to 10 August 2001;

12. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee and, in this context, encourages, inter alia, the holding of informal discussions between the members of the Sixth Committee and those members of the International Law Commission attending the fifty-sixth session of the General Assembly;

13. *Reiterates* its request in paragraph 11 of its resolution 54/111 of 9 December 1999, and emphasizes the need to implement cost-saving measures such as those described in paragraph 639 of the report of the Commission on the work of its fifty-first session;[4]

14. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation, and in that regard takes note with appreciation of comments made by the Commission in paragraphs 737 to 741 of its report;

16. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

17. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

18. *Notes with appreciation* the inclusion of information about the work of the International Law Commission on its web site;[5]

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[4] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* (A/54/10).

[5] The Internet address of the International Law Commission is www.un.org/law/ilc/index.htm.

19. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend those seminars, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

20. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

21. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

22. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session and the draft articles adopted on either first or second reading by the Commission;

23. *Recommends* that the debate on the report of the International Law Commission at the fifty-sixth session of the General Assembly commence on 29 October 2001.